

Introduced by Senator Bowen

February 9, 2006

An act to amend Section 4800 of the Probate Code, relating to advance health care directives.

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, as introduced, Bowen. Advance health care directives.

Existing law establishes the Advance Health Care Directive Registry allowing individuals to register a written advance health care directive with the Secretary of State. The information in the registry is accessible by specified entities, upon request.

This bill would require the Secretary of State to establish an Internet Web site that would permit an individual to register with the registry online and would permit specified entities to request information from the registry online. The bill would also require that the Advance Health Care Directive Registry Internet Web site and "Donate Life," the California Organ and Tissue Donor Registry Internet Web site, each have a direct link on its home page to the other's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4800 of the Probate Code is amended to
- 2 read:
- 3 4800. (a) The Secretary of State shall establish a registry
- 4 system through which a person who has executed a written
- 5 advance health care directive may register in a central
- 6 information center, information regarding the advance directive,

1 making that information available upon request to any health care
2 provider, the public guardian, or the legal representative of the
3 registrant. A request for information pursuant to this section shall
4 state the need for the information.

5 (b) The Secretary of State shall respond by the close of
6 business on the next business day to a request for information
7 made pursuant to Section 4717 by the emergency department of
8 a general acute care hospital.

9 (c) Information that *the Secretary of State may be received*
10 *receive* is limited to the registrant's name, social security
11 number, driver's license number, or other individual identifying
12 number established by law, if any, address, date and place of
13 birth, the registrant's advance health care directive, an intended
14 place of deposit or safekeeping of a written advance health care
15 directive, and the name and telephone number of the agent and
16 any alternative agent. Information that may be released upon
17 request may not include the registrant's social security number
18 except when necessary to verify the identity of the registrant.

19 (d) ~~When the Secretary of State receives~~ *The Secretary of*
20 *State shall establish an Internet Web site that allows an*
21 *individual to register with the registry online. The Web site shall*
22 *also permit a health care provider, the public guardian, or the*
23 *legal representative of a registrant or the emergency department*
24 *of a general acute care hospital to request information from the*
25 *registry online pursuant to subdivision (a) or (b). The Advance*
26 *Health Care Directive Registry Internet Web site shall have a*
27 *direct link to "Donate Life," the California Organ and Tissue*
28 *Donor Registry Web site, on its home page. In addition, "Donate*
29 *Life," the California Organ and Tissue Donor Registry Internet*
30 *Web site shall have a direct link to the Advance Health Care*
31 *Directive Registry Internet Web site.*

32 (e) ~~Upon receiving~~ information from a registrant, ~~the secretary~~
33 *Secretary of State* shall issue to the registrant an Advance Health
34 Care Directive Registry identification card indicating that an
35 advance health care directive, or information regarding an
36 advance health care directive, has been deposited with the
37 registry. Costs associated with issuance of the card shall be offset
38 by the fee charged by the Secretary of State to receive and
39 register information at the registry.

40 (e)

1 (f) The Secretary of State, at the request of the registrant or his
2 or her legal representative, shall transmit the information
3 received regarding the written advance health care directive to
4 the registry system of another jurisdiction as identified by the
5 registrant, or his or her legal representative.

6 ~~(f)~~

7 (g) The Secretary of State shall charge a fee to each registrant
8 in an amount such that, when all fees charged to registrants are
9 aggregated, the aggregated fees do not exceed the actual cost of
10 establishing and maintaining the registry.

O